

# SENATE MOTION

MR. PRESIDENT:

**I move** that Engrossed House Bill 1218 be amended to read as follows:

- 1           Page 4, between lines 14 and 15, begin a new paragraph and insert:
- 2           "SECTION 2. IC 5-2-10.5-6 IS AMENDED TO READ AS FOLLOWS
- 3           [EFFECTIVE JULY 1, 2003]: Sec. 6. The board is composed of the
- 4           following members:
- 5               (1) The executive director of the department of fire and building
- 6               services **or the executive director's designee.**
- 7               (2) The chairperson of the board of firefighting personnel
- 8               standards and education.
- 9               (3) The director of the state emergency management agency **or**
- 10              **the director's designee.**
- 11              (4) The commissioner of the department of environmental
- 12              management **or the commissioner's designee.**
- 13              (5) The state fire marshal **or the state fire marshal's designee.**
- 14              (6) **The deputy director of the emergency medical services**
- 15              **division of the state emergency management agency or the**
- 16              **deputy director's designee.**
- 17              (7) Five (5) individuals appointed by the governor, not more than
- 18              three (3) of whom may represent the same political party, as
- 19              follows:
- 20                    (A) A professional firefighter.
- 21                    (B) A volunteer firefighter.
- 22                    (C) A public safety employee who is not a firefighter.
- 23                    (D) A municipal or county building inspector.
- 24                    (E) A member of the medical profession.
- 25           SECTION 3. IC 9-19-14.5-1 IS AMENDED TO READ AS
- 26           FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A privately owned
- 27           vehicle belonging to a **certified paramedic, certified emergency**
- 28           **medical technician-intermediate, certified emergency medical**
- 29           **technician-basic advanced,** certified emergency medical technician,
- 30           certified emergency medical service driver, or certified emergency
- 31           medical service first responder while traveling in the line of duty in
- 32           connection with emergency medical services activities may display

1 green lights, subject to the following restrictions and conditions:

2 (1) The lights may not have a light source less than fifty (50)  
3 candlepower.

4 (2) All lights shall be placed on the top of the vehicle.

5 (3) Not more than two (2) green lights may be displayed on a  
6 vehicle and each light must be of the flashing or revolving type  
7 and visible at three hundred sixty (360) degrees.

8 (4) The lights must consist of a lamp with a green lens and not of  
9 an uncolored lens with a green bulb. However, the revolving  
10 lights may contain multiple bulbs.

11 (5) The green lights may not be a part of the regular head lamps  
12 displayed on the vehicle.

13 (6) For a person authorized under this chapter to display a green  
14 light on the person's vehicle, the person must first secure a written  
15 permit from the director of the state emergency management  
16 agency to use the light. The permit must be carried by the person  
17 when the light is displayed.

18 SECTION 4. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A physician or a person  
20 trained in obtaining bodily substance samples and acting under the  
21 direction of or under a protocol prepared by a physician, who:

22 (1) obtains a blood, urine, or other bodily substance sample from  
23 a person, regardless of whether the sample is taken for diagnostic  
24 purposes or at the request of a law enforcement officer under this  
25 section; or

26 (2) performs a chemical test on blood, urine, or other bodily  
27 substance obtained from a person;

28 shall deliver the sample or disclose the results of the test to a law  
29 enforcement officer who requests the sample or results as a part of a  
30 criminal investigation. Samples and test results shall be provided to a  
31 law enforcement officer even if the person has not consented to or  
32 otherwise authorized their release.

33 (b) A physician, a hospital, or an agent of a physician or hospital is  
34 not civilly or criminally liable for any of the following:

35 (1) Disclosing test results in accordance with this section.

36 (2) Delivering a blood, urine, or other bodily substance sample in  
37 accordance with this section.

38 (3) Obtaining a blood, urine, or other bodily substance sample in  
39 accordance with this section.

40 (4) Disclosing to the prosecuting attorney or the deputy  
41 prosecuting attorney for use at or testifying at the criminal trial of  
42 the person as to facts observed or opinions formed.

43 (5) Failing to treat a person from whom a blood, urine, or other  
44 bodily substance sample is obtained at the request of a law  
45 enforcement officer if the person declines treatment.

46 (6) Injury to a person arising from the performance of duties in  
47 good faith under this section.

48 (c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

49 (1) the privileges arising from a patient-physician relationship do  
50 not apply to the samples, test results, or testimony described in  
51 this section; and

(2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

(B) That the person from whom the sample is to be obtained has been transported to a hospital or other medical facility.

(C) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.

(D) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

(1) from whom the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) A law enforcement officer may transport the person to a place other than a hospital where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**).

(5) **An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).**

(6) A paramedic (as defined in IC 16-18-2-266).

SECTION 5. IC 16-18-2-7, AS AMENDED BY P.L.17-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in IC 35-41-1-26.5), if the governor has declared a disaster emergency under IC 10-4-1-7 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an ~~advanced~~ emergency medical ~~technician~~ technician-intermediate and that is more advanced than the care usually provided by an emergency medical technician **or an emergency medical technician-basic advanced.**

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications. ~~including administration of epinephrine through an auto-injector.~~

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 6. IC 16-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) **"Agency", for the purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.**

(b) "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.

SECTION 9. IC 16-18-2-33.5, AS AMENDED BY P.L.93-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

(1) Assessment of emergency patients.

(2) Administration of oxygen.

(3) Use of mechanical breathing devices.

(4) Application of anti-shock trousers.

(5) Performance of cardiopulmonary resuscitation.

(6) Application of dressings and bandage materials.

(7) Application of splinting and immobilization devices.

(8) Use of lifting and moving devices to ensure safe transport.

(9) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the Indiana emergency medical services

commission.

(10) Administration by an emergency medical technician **or emergency medical technician-basic advanced** of epinephrine through an auto-injector.

(11) **For an emergency medical technician-basic advanced, the following:**

(A) **Electrocardiogram interpretation.**

(B) **Manual external defibrillation.**

(C) **Intravenous fluid therapy.**

(12) Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) **subsection (a)(10) and the training and certification standards established under IC 16-31-2-9(4);**

(2) **subsection (a)(11)(C); and**

(3) **the training standards established under IC 16-31-2-9(5);** in subsection (a)(10) and by the training and certification standards established under ~~IC 16-31-2-9(5)~~; the term does not include invasive medical care techniques or advanced life support. ~~except as provided by the training and certification standards established under IC 16-31-2-9(4).~~

SECTION 10. IC 16-18-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 112.5. "Emergency medical technician-basic advanced", for purposes of IC 16-31, means an individual who is certified under IC 16-31 to provide basic life support at the scene of an accident or illness or during transport.

SECTION 11. IC 16-18-2-112.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 112.7. "Emergency medical technician-intermediate", for purposes of IC 16-31, means an individual who can perform at least one (1) of but not all the procedures of a paramedic and who:

(1) has completed a prescribed course in advanced life support;

(2) has been certified by the Indiana emergency medical services commission;

(3) is associated with a single supervising hospital; and

(4) is affiliated with a provider organization.

SECTION 12. IC 16-18-2-143, AS AMENDED BY P.L.81-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

(c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

~~(c)~~ (d) "Fund", for purposes of IC 16-46-12, has the meaning set

1       forth in IC 16-46-12-1.

2       SECTION 13. IC 16-18-2-163, AS AMENDED BY P.L.148-1999,  
3       SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4       JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of  
5       IC 16-21 and IC 16-41, means any of the following:

6           (1) An individual, a partnership, a corporation, a professional  
7           corporation, a facility, or an institution licensed or legally  
8           authorized by this state to provide health care or professional  
9           services as a licensed physician, a psychiatric hospital, a hospital,  
10          a health facility, an emergency ambulance service (IC 16-31-3),  
11          a dentist, a registered or licensed practical nurse, a midwife, an  
12          optometrist, a pharmacist, a podiatrist, a chiropractor, a physical  
13          therapist, a respiratory care practitioner, an occupational therapist,  
14          a psychologist, a paramedic, an emergency medical technician, ~~or~~  
15          an ~~advanced emergency technician; technician-basic advanced,~~  
16          **an emergency medical technician-intermediate**, or a person  
17          who is an officer, employee, or agent of the individual,  
18          partnership, corporation, professional corporation, facility, or  
19          institution acting in the course and scope of the person's  
20          employment.

21          (2) A college, university, or junior college that provides health  
22          care to a student, a faculty member, or an employee, and the  
23          governing board or a person who is an officer, employee, or agent  
24          of the college, university, or junior college acting in the course  
25          and scope of the person's employment.

26          (3) A blood bank, community mental health center, community  
27          mental retardation center, community health center, or migrant  
28          health center.

29          (4) A home health agency (as defined in IC 16-27-1-2).

30          (5) A health maintenance organization (as defined in  
31          IC 27-13-1-19).

32          (6) A health care organization whose members, shareholders, or  
33          partners are health care providers under subdivision (1).

34          (7) A corporation, partnership, or professional corporation not  
35          otherwise qualified under this subsection that:

36           (A) provides health care as one (1) of the corporation's,  
37           partnership's, or professional corporation's functions;

38           (B) is organized or registered under state law; and

39           (C) is determined to be eligible for coverage as a health care  
40           provider under IC 34-18 for the corporation's, partnership's, or  
41           professional corporation's health care function.

42       Coverage for a health care provider qualified under this subdivision is  
43       limited to the health care provider's health care functions and does not  
44       extend to other causes of action.

45       (b) "Health care provider", for purposes of IC 16-35, has the  
46       meaning set forth in subsection (a). However, for purposes of IC 16-35,  
47       the term also includes a health facility (as defined in section 167 of this  
48       chapter).

49       (c) "Health care provider", for purposes of IC 16-36-5, means an  
50       individual licensed or authorized by this state to provide health care or

- professional services as:
- (1) a licensed physician;
  - (2) a registered nurse;
  - (3) a licensed practical nurse;
  - (4) an advanced practice nurse;
  - (5) a licensed nurse midwife;
  - (6) a paramedic;
  - (7) an emergency medical technician;
  - (8) an ~~advanced~~ emergency medical ~~technician or technician-~~  
**basic advanced; or**
  - (9) **an emergency medical technician-intermediate; or**
  - (10) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

SECTION 14. IC 16-18-2-295, AS AMENDED BY P.L.256-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 295. (a) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

- (1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:
  - (A) A physician.
  - (B) A psychotherapist.
  - (C) A dentist.
  - (D) A registered nurse.
  - (E) A licensed practical nurse.
  - (F) An optometrist.
  - (G) A podiatrist.
  - (H) A chiropractor.
  - (I) A physical therapist.
  - (J) A psychologist.
  - (K) An audiologist.
  - (L) A speech-language pathologist.
  - (M) A dietitian.
  - (N) An occupational therapist.
  - (O) A respiratory therapist.
  - (P) A pharmacist.
- (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.
- (3) A health facility licensed under IC 16-28-2.
- (4) A home health agency licensed under IC 16-27-1.
- (5) An employer of a certified emergency medical technician, a certified ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced, a certified emergency medical technician-intermediate**, or a certified paramedic.
- (6) The state department or a local health department or an employee, agent, designee, or contractor of the state department

or local health department.

(b) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 15. IC 16-18-2-337 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 337. "Sponsoring" or "supervising hospital", for purposes of IC 16-31, means a hospital:

(1) that is licensed under IC 16-21-2 or under the licensing law of another state; and

(2) that has been certified by the emergency medical services commission to sponsor or supervise paramedics, ~~advanced~~ emergency medical ~~technicians~~, **technicians-intermediate**, and provider organizations in providing advanced life support.

SECTION 16. IC 16-31-2-9, AS AMENDED BY P.L.93-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

(2) Training and certification standards for the use of automatic and semiautomatic defibrillators by first responders.

(3) Training ~~and certification~~ standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

(4) Training and certification standards for the administration of epinephrine through an auto-injector by:

(A) an emergency medical technician; or

(B) an ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced**.

(5) Training ~~and certification~~ standards to permit the use of antidote kits **containing atropine and pralidoxime chloride** for the treatment of exposure to ~~chemical agent VX (nerve agent)~~ **nerve agents** by ~~advanced an~~ emergency medical ~~technicians~~ **technician-basic advanced**, and emergency medical technicians ~~who an emergency medical technician, or a first responder.~~ **work for emergency medical service providers located in:**

(A) a county having a population of more than eight thousand (8,000) but less than nine thousand (9,000);

(B) a county having a population of more than sixteen thousand seven hundred (16,700) but less than seventeen thousand (17,000);

(C) a county having a population of more than seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500);

(D) a county having a population of more than seventeen thousand five hundred (17,500) but less than eighteen thousand (18,000);

(E) a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seventy-five (36,075);

(F) a county having a population of more than thirty-seven thousand (37,000) but less than thirty-eight thousand (38,000);



1 and

2 (~~G~~) a county having a population of more than one hundred  
3 five thousand (~~105,000~~) but less than one hundred ten  
4 thousand (~~110,000~~);

5 SECTION 17. IC 16-31-2-11, AS AMENDED BY P.L.127-2001,  
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2003]: Sec. 11. (a) The commission shall develop procedures  
8 for ongoing review of all emergency ambulance services.

9 (b) The commission may review any pre-hospital ambulance rescue  
10 or report record regarding an emergency patient that is utilized or  
11 compiled by an emergency ambulance service employing paramedics,  
12 **emergency medical technicians-intermediate**, emergency medical  
13 technicians, or ~~advanced~~ emergency medical ~~technicians-~~  
14 **technicians-basic advanced**. However, except as provided in  
15 subsection (d), those records shall remain confidential and may be used  
16 solely for the purpose of compiling data and statistics. The use of such  
17 data or statistics is subject to IC 4-1-6.

18 (c) The commission may develop and oversee experimental study  
19 projects conducted by ambulance service providers in limited  
20 geographic areas of Indiana. These study projects must be developed  
21 and conducted in accordance with rules adopted by the commission  
22 under IC 4-22-2. These study projects must be designed to test the  
23 efficacy of new patient care techniques and new ambulance service  
24 systems.

25 (d) This subsection applies to emergency ambulance services that  
26 are provided by or under a contract with an entity that is a public  
27 agency for purposes of IC 5-14-3. The following information, if  
28 contained in a pre-hospital ambulance rescue or report record regarding  
29 an emergency patient, is public information and must be made  
30 available for inspection and copying under IC 5-14-3:

- 31 (1) The date and time of the request for ambulance services.
- 32 (2) The reason for the request for assistance.
- 33 (3) The time and nature of the response to the request for  
34 ambulance services.
- 35 (4) The time of arrival at the scene where the patient was located.
- 36 (5) The time of departure from the scene where the patient was  
37 located.
- 38 (6) The name of the facility, if any, to which the patient was  
39 delivered for further treatment and the time of arrival at that  
40 facility.

41 SECTION 18. IC 16-31-3-5 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The commission  
43 shall waive any rule for a person who provides emergency ambulance  
44 service, an emergency medical technician, **an emergency medical**  
45 **technician-basic advanced, an emergency medical**  
46 **technician-intermediate, a paramedic**, or an ambulance when  
47 operating from a location in an adjoining state by contract with an  
48 Indiana unit of government to provide emergency ambulance or  
49 medical services to patients who are picked up or treated in Indiana.

50 (b) **The commission may waive any rule, including a rule**

1 establishing a fee, for a person who submits facts demonstrating  
2 that:

3 (1) compliance with the rule will impose an undue hardship on  
4 the person; and

5 (2) either;

6 (A) noncompliance with the rule; or

7 (B) compliance with an alternative requirement approved  
8 by the commission;

9 will not jeopardize the quality of patient care. However, the  
10 commission may not waive a rule that sets forth educational  
11 requirements for a person regulated under this article.

12 (c) A waiver granted under subsection (b)(2)(B) is conditioned  
13 upon compliance with the alternative requirement approved under  
14 subsection (b).

15 (d) The commission shall establish an expiration date for any  
16 waiver that is granted.

17 (e) The commission may renew a waiver if the person makes the  
18 same demonstration required for the original waiver.

19 SECTION 19. IC 16-31-3-10 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Except as  
21 provided in subsection (b), to renew a certificate issued under this  
22 chapter upon expiration of the certificate for any reason, a person must  
23 comply with any continuing education requirements that have been  
24 established by the commission. To renew a certificate issued under this  
25 chapter after a ~~suspension, revocation or termination~~ of the certificate,  
26 a person must comply with all the requirements of this chapter that  
27 apply to the original certification.

28 (b) A renewal of an emergency medical technician, **an emergency**  
29 **medical technician-basic advanced, an emergency medical**  
30 **technician-intermediate, or a paramedic** certificate shall be issued  
31 to an individual who meets the following conditions:

32 (1) While holding a valid ~~emergency medical technician~~  
33 certificate, enters the armed forces of the United States, including:

34 (A) the army;

35 (B) the navy;

36 (C) the air force;

37 (D) the marines; or

38 (E) the coast guard;

39 but excluding the guard and reserve components of those forces.

40 (2) Is discharged from the armed forces of the United States  
41 **within** forty-eight (48) months after the individual entered the  
42 armed forces.

43 (3) Successfully completes, not more than nine (9) months after  
44 the individual's discharge from the armed forces of the United  
45 States, a refresher course approved by the commission.

46 (4) Applies for the certificate renewal not more than one (1) year  
47 after the individual's discharge from the armed forces of the  
48 United States.

49 (5) Passes the written and practical skills examinations.

50 (c) **A renewal of an emergency medical technician, an**

1 emergency medical technician-basic advanced, an emergency  
 2 medical technician-intermediate, or a paramedic certificate must  
 3 be issued to an individual who meets the following conditions:

4 (1) While holding a valid certificate, the individual is called to  
 5 active military duty as a member of the Indiana national  
 6 guard or a reserve component of the armed forces of the  
 7 United States, including:

- 8 (A) the army;
- 9 (B) the navy;
- 10 (C) the air force;
- 11 (D) the marines; or
- 12 (E) the coast guard.

13 (2) The individual provides the emergency medical services  
 14 commission with a copy of the document from the armed  
 15 forces that called the individual to active duty.

16 (3) The individual applies for the certificate renewal not more  
 17 than one hundred twenty (120) days after the individual  
 18 leaves active duty.

19 SECTION 20. IC 16-31-3-14 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as  
 21 provided in subsection (d), after notice and hearing the commission  
 22 may suspend or revoke a certificate issued under this chapter for failure  
 23 to comply and maintain compliance with or for violation of any  
 24 applicable provisions, standards, or other requirements of this chapter  
 25 or rules adopted under this chapter: (a) A person holding a certificate  
 26 issued under this article must comply with the applicable standards  
 27 and rules established under this article. A certificate holder is  
 28 subject to disciplinary sanctions under subsection (b) if the state  
 29 emergency management agency determines that the certificate  
 30 holder:

- 31 (1) engaged in or knowingly cooperated in fraud or material  
 32 deception in order to obtain a certificate, including cheating  
 33 on a certification examination;
- 34 (2) engaged in fraud or material deception in the course of  
 35 professional services or activities;
- 36 (3) advertised services or goods in a false or misleading  
 37 manner;
- 38 (4) falsified or knowingly allowed another person to falsify  
 39 attendance records or certificates of completion of continuing  
 40 education courses required under this article or rules adopted  
 41 under this article;
- 42 (5) is convicted of a crime, if the act that resulted in the  
 43 conviction has a direct bearing on determining if the  
 44 certificate holder should be entrusted to provide emergency  
 45 medical services;
- 46 (6) is convicted of violating IC 9-19-14.5;
- 47 (7) fails to comply and maintain compliance with or violates  
 48 any applicable provision, standard, or other requirement of  
 49 this article or rules adopted under this article;
- 50 (8) continues to practice if the certificate holder becomes unfit

to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired, inactive, invalid, revoked or suspended.

(b) On motion of the commission or on the verified written complaint of an interested person, the director of the state emergency management agency shall conduct an investigation. (b) The state emergency management agency may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the state emergency management agency determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.

(3) Censure of a certificate holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the state emergency management agency, the state emergency management

1           agency may suspend the certificate holder's certificate  
2           without additional proceedings.

3           **(6) Placement of a certificate holder on probation status and**  
4           **requirement of the certificate holder to:**

5           (A) report regularly to the state emergency management  
6           agency upon the matters that are the basis of probation;

7           (B) limit practice to those areas prescribed by the state  
8           emergency management agency;

9           (C) continue or renew professional education approved by  
10          the state emergency management agency until a  
11          satisfactory degree of skill has been attained in those areas  
12          that are the basis of the probation; or

13          (D) perform or refrain from performing any acts,  
14          including community restitution or service without  
15          compensation, that the state emergency management  
16          agency considers appropriate to the public interest or to  
17          the rehabilitation or treatment of the certificate holder.

18          The state emergency management agency may withdraw or  
19          modify this probation if the state emergency management  
20          agency finds after a hearing that the deficiency that required  
21          disciplinary action is remedied or that changed circumstances  
22          warrant a modification of the order.

23          (c) Except as provided in subsection (d), the commission may  
24          initiate proceedings to suspend or revoke a certificate on the  
25          commission's own motion or on the verified written complaint of an  
26          interested person. All proceedings to suspend or revoke a certificate  
27          shall be conducted in accordance with IC 4-21.5-3. (c) If an applicant  
28          or a certificate holder has engaged in or knowingly cooperated in  
29          fraud or material deception to obtain a certificate, including  
30          cheating on the certification examination, the state emergency  
31          management agency may rescind the certificate if it has been  
32          granted, void the examination or other fraudulent or deceptive  
33          material, and prohibit the applicant from reapplying for the  
34          certificate for a length of time established by the state emergency  
35          management agency.

36          (d) The commission or the director may, on finding that the public  
37          health or safety is in imminent danger, temporarily suspend a certificate  
38          without hearing for not more than ninety (90) days on notice to the  
39          certificate holder. (d) The state emergency management agency may  
40          deny certification to an applicant who would be subject to  
41          disciplinary sanctions under subsection (b) if that person were a  
42          certificate holder, has had disciplinary action taken against the  
43          applicant or the applicant's certificate to practice in another state  
44          or jurisdiction, or has practiced without a certificate in violation of  
45          the law. A certified copy of the record of disciplinary action is  
46          conclusive evidence of the other jurisdiction's disciplinary action.

47          (e) On suspension, revocation, or termination of a certificate, the  
48          provision of the service shall cease. (e) The state emergency  
49          management agency may order a certificate holder to submit to a  
50          reasonable physical or mental examination if the certificate

holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a state emergency management agency order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) A written complaint filed with the commission and information pertaining to the complaint are confidential until one (1) of following occurs:

(1) Notice is sent under IC 4-21.5-3 that certification suspension or revocation proceedings relating to the complaint or information have been initiated.

(2) Notice is sent under section 17 of this chapter that a hearing is to be held concerning the imposition of a fine for a violation relating to the complaint or information.

(3) The complaint or information is required to be disclosed by the order of a court.

(f) Except as provided under subsection (a)(6), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may, however, be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The commission may suspend or revoke a certificate under this section for not more than seven (7) years from the date the suspension or revocation is effective. After the time set by the commission has expired, the certificate holder may apply for renewal of the certificate under this chapter. (g) The state emergency management agency may deny, suspend, or revoke a certificate issued under this chapter if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.

(2) Possession of a controlled substance under IC 35-48-4-7(a).

(3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

(8) Maintaining a common nuisance under IC 35-48-4-13.

(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed

1 in subdivisions (1) through (10).

2 (12) An offense in any other jurisdiction in which the elements  
3 of the offense for which the conviction was entered are  
4 substantially similar to the elements of an offense described  
5 by subdivisions (1) through (11).

6 (h) A decision of the state emergency management agency under  
7 subsections (b) through (g) may be appealed to the commission  
8 under IC 4-21.5-3-7.

9 (i) The state emergency management agency may temporarily  
10 suspend a certificate holder's certificate under IC 4-21.5-4 before  
11 a final adjudication or during the appeals process if the state  
12 emergency management agency finds that a certificate holder  
13 would represent a clear and immediate danger to the public's  
14 health, safety, or property if the certificate holder were allowed to  
15 continue to practice.

16 (j) On receipt of a complaint or information alleging that a  
17 person certified under this chapter or IC 16-31-3.5 has engaged in  
18 or is engaging in a practice that is subject to disciplinary sanctions  
19 under this chapter, the state emergency management agency must  
20 initiate an investigation against the person.

21 (k) The state emergency management agency shall conduct a  
22 factfinding investigation as the state emergency management  
23 agency considers proper in relation to the complaint.

24 (l) The state emergency management agency may reinstate a  
25 certificate that has been suspended under this section if the state  
26 emergency management agency is satisfied that the applicant is  
27 able to practice with reasonable skill, competency, and safety to the  
28 public. As a condition of reinstatement, the state emergency  
29 management agency may impose disciplinary or corrective  
30 measures authorized under this chapter.

31 (m) The state emergency management agency may not reinstate  
32 a certificate that has been revoked under this chapter.

33 (n) The state emergency management agency must be consistent  
34 in the application of sanctions authorized in this chapter.  
35 Significant departures from prior decisions involving similar  
36 conduct must be explained in the state emergency management  
37 agency's findings or orders.

38 (o) A certificate holder may not surrender the certificate  
39 holder's certificate without the written approval of the state  
40 emergency management agency, and the state emergency  
41 management agency may impose any conditions appropriate to the  
42 surrender or reinstatement of a surrendered certificate.

43 (p) For purposes of this section, "certificate holder" means a  
44 person who holds:

- 45 (1) an unlimited certificate;
- 46 (2) a limited or probationary certificate; or
- 47 (3) an inactive certificate.

48 SECTION 21. IC 16-31-3-14.5, AS AMENDED BY P.L.1-2002,  
49 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
50 JULY 1, 2003]: Sec. 14.5. The ~~commission~~ state emergency

1 **management agency may issue an order under IC 4-21.5-3-6 to**  
 2 **deny an applicant's request for certification or** permanently revoke  
 3 a ~~license~~ or certificate under procedures provided by section 14 of this  
 4 chapter if the individual who holds the ~~license~~ or certificate issued  
 5 under this title is convicted of any of the following:

- 6 (1) Dealing in or manufacturing cocaine, a narcotic drug, or  
 7 methamphetamine under IC 35-48-4-1.
- 8 (2) Dealing in a schedule I, II, or III controlled substance under  
 9 IC 35-48-4-2.
- 10 (3) Dealing in a schedule IV controlled substance under  
 11 IC 35-48-4-3.
- 12 (4) Dealing in a schedule V controlled substance under  
 13 IC 35-48-4-4.
- 14 (5) Dealing in a substance represented to be a controlled  
 15 substance under IC 35-48-4-4.5.
- 16 (6) Knowingly or intentionally manufacturing, advertising,  
 17 distributing, or possessing with intent to manufacture, advertise,  
 18 or distribute a substance represented to be a controlled substance  
 19 under IC 35-48-4-4.6.
- 20 (7) Dealing in a counterfeit substance under IC 35-48-4-5.
- 21 (8) Dealing in marijuana, hash oil, or hashish under  
 22 IC 35-48-4-10(b).
- 23 (9) Conspiracy under IC 35-41-5-2 to commit an offense listed in  
 24 subdivisions (1) through (8).
- 25 (10) Attempt under IC 35-41-5-1 to commit an offense listed in  
 26 subdivisions (1) through (8).
- 27 (11) A crime of violence (as defined in IC 35-50-1-2(a)).
- 28 (12) An offense in any other jurisdiction in which the elements of  
 29 the offense for which the conviction was entered are substantially  
 30 similar to the elements of an offense described under subdivisions  
 31 (1) through (11).

32 **SECTION 22. IC 16-31-3-17 IS AMENDED TO READ AS**  
 33 **FOLLOWS [EFFECTIVE JULY 1, 2003]:** Sec. 17. (a) The ~~director~~  
 34 **state emergency management agency may issue an order to** may  
 35 ~~penalize an ambulance service provider or a person certified under this~~  
 36 ~~chapter who has practiced without a certificate in violation of this~~  
 37 **article imposing a civil penalty of** not more than five hundred dollars  
 38 **(\$500) per occurrence. for a violation of a patient care standard or rule**  
 39 **that is established by the commission under rules adopted under**  
 40 ~~IC 4-22-2.~~

41 (b) A civil penalty may be imposed only after a hearing on the  
 42 imposition of the penalty has been held by the director or the director's  
 43 designee. Notice of the hearing must be mailed to the provider at least  
 44 ten (10) days before the date set for the hearing.

45 (c) An ambulance service provider or a person certified under this  
 46 chapter who is penalized under this chapter may appeal the  
 47 determination under IC 4-21.5. At the hearing, the provider or certified  
 48 person is entitled to do the following:

- 49 (1) Be represented by an attorney;
- 50 (2) Present evidence in that person's behalf.



(3) ~~Cross-examine witnesses.~~

**(b) A decision of the state emergency management agency under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.**

SECTION 23. IC 16-31-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. The commission shall appoint an advanced life support operations subcommittee to advise the commission on the development of:

(1) standards for the certification of:

(A) provider organizations;

(B) paramedics;

(C) ~~advanced~~ emergency medical ~~technicians~~; **technicians-intermediate**; and

(D) supervising hospitals; and

(2) rules governing the operation of advanced life support services.

SECTION 24. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

(1) Requirements and procedures for the certification of provider organizations, paramedics, ~~advanced~~ emergency medical ~~technicians~~; **technicians-intermediate**, and supervising hospitals.

(2) Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and ~~advanced~~ emergency medical ~~technicians~~; **technicians-intermediate**.

SECTION 25. IC 16-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Notwithstanding any other law, a certified paramedic or ~~an advanced~~ **a certified** emergency medical ~~technician~~ **technician-intermediate** may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

SECTION 26. IC 16-31-3-23, AS ADDED BY P.L.17-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An emergency medical technician or ~~advanced~~ emergency medical ~~technician~~ **technician-basic** ~~advanced~~ who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

SECTION 27. IC 16-31-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

### **Chapter 3.5. Emergency Medical Dispatch**

**Sec. 1. (a) The definitions in this section apply throughout this chapter.**

1       (b) "Medical director" means a licensed physician who provides  
 2       emergency medical dispatch medical direction to the emergency  
 3       medical dispatch agency and works with the local emergency  
 4       medical services medical director, if not the same person.

5       (c) "Emergency medical dispatcher" means a person who is  
 6       trained to provide emergency medical dispatch services and who  
 7       is certified under this chapter.

8       (d) "Emergency medical dispatching" means the reception,  
 9       evaluation, processing, provision of dispatch life support,  
 10      management of requests for emergency medical assistance, and  
 11      participation in ongoing evaluation and improvement of the  
 12      emergency medical dispatch process. This process includes  
 13      identifying the nature of the request, prioritizing the severity of the  
 14      request, dispatching the necessary resources, providing medical aid  
 15      and safety instructions to the callers, and coordinating the  
 16      responding resources as needed, but does not include call routing  
 17      itself.

18      (e) "Emergency medical dispatch agency" means any person  
 19      that provides emergency medical dispatching for emergency  
 20      medical assistance that is certified under this chapter.

21      Sec. 2. This chapter does not apply to a person who solely  
 22      dispatches prescheduled emergency medical transports.

23      Sec. 3. (a) An individual may not furnish, operate, conduct,  
 24      maintain, advertise, or otherwise be engaged as an emergency  
 25      medical dispatcher unless that individual is certified by the  
 26      commission as an emergency medical dispatcher.

27      (b) A person may not furnish, operate, conduct, maintain,  
 28      advertise, or otherwise be engaged as an emergency medical  
 29      dispatch agency unless certified by the commission as an  
 30      emergency medical dispatch agency.

31      Sec. 4. (a) To be certified as an emergency medical dispatcher,  
 32      an individual must:

- 33       (1) meet the standards for education and training established
- 34       by the commission;
- 35       (2) successfully complete a written competency examination
- 36       approved by the commission; and
- 37       (3) pay the fee established by the commission.

38      (b) An emergency medical dispatcher certificate expires two (2)  
 39      years after the date of its issuance. To renew a certificate, an  
 40      emergency medical dispatcher must:

- 41       (1) meet the education and training renewal standards
- 42       established by the commission; and
- 43       (2) pay the fee established by the commission.

44      (c) An emergency medical dispatcher must follow protocols,  
 45      procedures, standards, and policies established by the commission.

46      (d) An emergency medical dispatcher shall keep the commission  
 47      informed of the entity or agency that employs or supervises the  
 48      dispatcher's activities as an emergency medical dispatcher.

49      (e) An emergency medical dispatcher shall report to the  
 50      commission whenever an action has taken place that may justify

1 the revocation or suspension of a certificate issued by the  
2 commission.

3 Sec. 5. (a) To be certified as an emergency medical dispatch  
4 agency, a person must:

5 (1) meet the standards established by the commission; and

6 (2) pay the fee established by the commission.

7 (b) An emergency medical dispatch agency certificate expires  
8 two (2) years after the date of its issuance. To renew a certificate,  
9 an emergency medical dispatch agency must:

10 (1) meet the renewal requirements established by the  
11 commission; and

12 (2) pay the fee established by the commission.

13 (c) The emergency medical dispatch agency must be operated in  
14 a safe, efficient, and effective manner in accordance with  
15 commission approved standards that include the following  
16 requirements:

17 (1) All personnel providing emergency medical dispatch  
18 services must be certified as emergency medical dispatchers  
19 by the commission before functioning alone in an online  
20 capacity.

21 (2) The protocols, procedures, standards, and policies used by  
22 an emergency medical dispatch agency to dispatch emergency  
23 medical aid must comply with the requirements established by  
24 the commission.

25 (3) The commission must require the emergency medical  
26 dispatch agency to appoint a dispatch medical director to  
27 provide supervision and oversight over the medical aspects of  
28 the operation of the emergency medical dispatch agency.

29 (d) The commission may require the submission of periodic  
30 reports from an emergency medical dispatch agency. The  
31 emergency medical dispatch agency must submit the reports in the  
32 manner and with the frequency required by the commission.

33 (e) An emergency medical dispatch agency shall report to the  
34 commission whenever an action occurs that may justify the  
35 revocation or suspension of a certificate issued by the commission.

36 Sec. 6. (a) The commission must require emergency medical  
37 dispatchers to participate in continuing emergency medical  
38 dispatch education and training.

39 (b) An emergency medical dispatcher education and training  
40 course must be approved by the commission and must be  
41 conducted by an instructor or instructors that meet qualifications  
42 established by the commission.

43 (c) A person may not offer or conduct a training course that is  
44 represented as a course for emergency medical dispatcher  
45 certification unless the course is approved by the commission and  
46 the instructor or instructors meet the qualifications established by  
47 the commission.

48 Sec. 7. The commission shall adopt rules under IC 4-22-2 to  
49 implement this chapter.

50 SECTION 28. IC 16-31-6-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) ~~An ambulance~~  
 2 ~~attendant or~~ A certified emergency medical technician or a **certified**  
 3 **emergency medical technician-basic advanced** who provides  
 4 emergency ~~ambulance medical~~ services to an emergency patient is not  
 5 liable for an act or omission in providing those services unless the act  
 6 or omission constitutes negligence or willful misconduct. If the  
 7 ~~attendant or emergency medical~~ technician or **emergency medical**  
 8 **technician-basic advanced** is not liable for an act or omission, no  
 9 other person incurs liability by reason of an agency relationship with  
 10 the ~~attendant or emergency medical~~ technician or **emergency medical**  
 11 **technician-basic advanced**.

12 (b) This section does not affect the liability of a driver of an  
 13 ambulance for negligent operation of the ambulance.

14 SECTION 29. IC 16-31-6-3 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. An act or omission  
 16 of a paramedic or ~~advanced an~~ emergency medical ~~technician~~  
 17 **technician-intermediate** done or omitted in good faith while providing  
 18 advanced life support to a patient or trauma victim does not impose  
 19 liability upon the paramedic or ~~advanced~~ emergency medical  
 20 ~~technician~~ **technician-intermediate**, the authorizing physician, the  
 21 hospital, or the officers, members of the staff, nurses, or other  
 22 employees of the hospital or the local governmental unit if the  
 23 advanced life support is provided:

24 (1) in connection with an emergency;

25 (2) in good faith; and

26 (3) under the written or oral direction of a licensed physician;

27 unless the act or omission was a result of negligence or willful  
 28 misconduct.

29 SECTION 30. IC 16-31-6-4, AS ADDED BY P.L.156-2001,  
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2003]: Sec. 4. (a) This section does not apply to an act or  
 32 omission that was a result of gross negligence or willful or intentional  
 33 misconduct.

34 (b) An act or omission of a paramedic, an ~~advanced~~ emergency  
 35 medical ~~technician~~ **technician-intermediate**, an emergency medical  
 36 ~~technician~~ **technician-basic advanced**, **an emergency medical**  
 37 **technician**, or a person with equivalent certification from another state  
 38 that is performed or made while providing advanced life support or  
 39 basic life support to a patient or trauma victim does not impose liability  
 40 upon the paramedic, the ~~advanced~~ emergency medical ~~technician~~  
 41 **technician-intermediate**, the emergency medical ~~technician~~  
 42 **technician-basic advanced**, **an emergency medical technician**, the  
 43 person with equivalent certification from another state, a hospital, a  
 44 provider organization, a governmental entity, or an employee or other  
 45 staff of a hospital, provider organization, or governmental entity if the  
 46 advanced life support or basic life support is provided in good faith:

47 (1) in connection with a disaster emergency declared by the  
 48 governor under IC 10-4-1-7 in response to an act that the  
 49 governor in good faith believes to be an act of terrorism (as  
 50 defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 31. IC 16-31-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 8.5. Emergency Medical Services Fund**

**Sec. 1. As used in this chapter, "agency" refers to the state emergency management agency established by IC 10-8-2-1.**

**Sec. 2. As used in this chapter, "fund" refers to the emergency medical services fund established by section 3 of this chapter.**

**Sec. 3. The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:**

(1) commission; and

(2) employees of the agency.

**Sec. 4. The agency shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.**

**Sec. 5. The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**Sec. 6. Money in the fund at the end of a state fiscal year does not revert to the state general fund."**

Page 19, between lines 31 and 32, begin a new paragraph and insert:  
"SECTION 32. IC 25-22.5-1-2, AS AMENDED BY P.L.255-2001, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**), an **emergency medical technician-intermediate** (as defined in **IC 16-18-2-112.7**), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

- 1 (4) Commissioned medical officers or medical service officers of  
2 the armed forces of the United States, the United States Public  
3 Health Service, and medical officers of the United States  
4 Department of Veterans Affairs in the discharge of their official  
5 duties in Indiana.
- 6 (5) An individual who is not a licensee who resides in another  
7 state or country and is authorized to practice medicine or  
8 osteopathic medicine there, who is called in for consultation by an  
9 individual licensed to practice medicine or osteopathic medicine  
10 in Indiana.
- 11 (6) A person administering a domestic or family remedy to a  
12 member of the person's family.
- 13 (7) A member of a church practicing the religious tenets of the  
14 church if the member does not make a medical diagnosis,  
15 prescribe or administer drugs or medicines, perform surgical or  
16 physical operations, or assume the title of or profess to be a  
17 physician.
- 18 (8) A school corporation and a school employee who acts under  
19 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 20 (9) A chiropractor practicing the chiropractor's profession under  
21 IC 25-10 or to an employee of a chiropractor acting under the  
22 direction and supervision of the chiropractor under IC 25-10-1-13.
- 23 (10) A dental hygienist practicing the dental hygienist's profession  
24 under IC 25-13.
- 25 (11) A dentist practicing the dentist's profession under IC 25-14.
- 26 (12) A hearing aid dealer practicing the hearing aid dealer's  
27 profession under IC 25-20.
- 28 (13) A nurse practicing the nurse's profession under IC 25-23.  
29 However, a registered nurse may administer anesthesia if the  
30 registered nurse acts under the direction of and in the immediate  
31 presence of a physician and holds a certificate of completion of a  
32 course in anesthesia approved by the American Association of  
33 Nurse Anesthetists or a course approved by the board.
- 34 (14) An optometrist practicing the optometrist's profession under  
35 IC 25-24.
- 36 (15) A pharmacist practicing the pharmacist's profession under  
37 IC 25-26.
- 38 (16) A physical therapist practicing the physical therapist's  
39 profession under IC 25-27.
- 40 (17) A podiatrist practicing the podiatrist's profession under  
41 IC 25-29.
- 42 (18) A psychologist practicing the psychologist's profession under  
43 IC 25-33.
- 44 (19) A speech-language pathologist or audiologist practicing the  
45 pathologist's or audiologist's profession under IC 25-35.6.
- 46 (20) An employee of a physician or group of physicians who  
47 performs an act, a duty, or a function that is customarily within  
48 the specific area of practice of the employing physician or group  
49 of physicians, if the act, duty, or function is performed under the  
50 direction and supervision of the employing physician or a

physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health maintenance organization or limited service health maintenance organization;

(E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides care services as defined in IC 16-27-1-0.5.

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical

acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 33. IC 34-6-2-37.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 37.2. "Emergency medical technician-basic advanced", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.1.**

SECTION 34. IC 34-6-2-37.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 37.4. "Emergency medical technician-intermediate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.2.**

SECTION 35. IC 34-18-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. "Ambulance service" means a person who employs:

- (1) emergency medical technicians;
- (2) ~~advanced~~ emergency medical ~~technicians~~; **technicians-basic advanced;**
- (3) **emergency medical technicians-intermediate;** or
- ~~(3)~~ (4) paramedics.

SECTION 36. IC 34-18-2-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.**

**(b) The term does not include a person while the person is operating an emergency vehicle.**

SECTION 37. IC 34-18-2-12.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.**

**(b) The term does not include a person while the person is operating an emergency vehicle.**

SECTION 38. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. "Health care provider" means any of the following:



(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical ~~technician~~, **technician-intermediate, emergency medical technician-basic advanced**, or ~~advanced~~ emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action."

Page 19, delete lines 32 through 33, begin a new paragraph and insert:

"SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 10-4-1-5.5; IC 16-18-2-6; IC 16-31-3-15; IC 16-31-6.5-1; IC 22-12-1-20; IC 34-6-2-4; IC 34-18-2-3."

Page 22, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 39. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to an individual before July 1, 2005.**

1       **(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the**  
2       **prohibition against a person acting as an emergency medical**  
3       **dispatch agency unless the person is certified by the Indiana**  
4       **emergency medical services commission as an emergency medical**  
5       **dispatch agency does not apply to a person before July 1, 2005."**

6       Renumber all SECTIONS consecutively.  
      (Reference is to EHB 1218 as printed April 4, 2003.)

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Senator RIEGSECKER